



COUNCIL - 19TH JANUARY 2021

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER
2019/2020**

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

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1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the Annual Letter for 2019/2020 in respect of this Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Council of the publication of the Public Services Ombudsman for Wales Annual Letter for 2019/2020.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Council considers and notes the content of the Annual Letter.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2019.

5. THE REPORT

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by his office during 2019/2020 specifically relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 Members will note the covering letter acknowledges that although the data in this correspondence relates to the period before the rapid escalation in Covid-19 spread and before restrictions on economic and social activity had been introduced, the Ombudsman acknowledges the impact the pandemic continues to have on us all.

- 5.3 In general members will note that the Ombudsman intervened in a smaller proportion of complaints about public bodies: 20% compared to 24% last year. There was a smaller proportion of Code of Conduct complaints referred to a Standards Committee or the Adjudication Panel for Wales; 2% compared to 3% last year.
- 5.4 With regard to new complaints relating to Local Authorities, the overall number has decreased by 2.4% compared to the previous financial year and there was intervention in a smaller proportion of the cases closed (13% compared to 15% last year). That said, the Ombudsman is concerned that complaint handling persists as one of the main subjects of their complaints again this year.
- 5.5 The fact sheet attached to the Annual Letter gives a detailed breakdown of complaints data relating to Caerphilly. This includes statistics regarding Ombudsman's interventions which includes all cases upheld/partly upheld as well as early resolutions and voluntary settlements. It also includes outcomes of Code of Conduct complaints.
- 5.6 The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following: -
- 5.6.1 The overall number of complaints referred to the Ombudsman this year has decreased when compared to the numbers referred last year from 65 to 49.

The comparison data is set out in the table below and equates to 0.27 per 1000 residents.

	19/20	18/19
Children's Social Services	8	17
Adult Social Services	0	4
Complaints Handling	5	5
Education	2	2
Environment and Environmental Health	5	3
Housing	19	10
Planning and Building Control	5	16
Roads and Transport	4	4
Various Other	1	2
Community facilities/recreation/leisure	0	1
Finance and Taxation	0	1

- 5.6.2 Members will note that complaints relating to Housing have increased this year to 19 compared to a figure of 10 last year. From an analysis of this data 8 referrals were made prematurely and 10 had received stage 2 responses. One resulted in a proposed quick fix which was subsequently taken into investigation and was partially upheld, the remainder were not investigated. There has been a notable decrease in complaints relating to Children's social services and Planning/Building Control.
- 5.6.3 In total 12% of the Council's Cases considered during this period required PSOW intervention, which equates to the same percentage as last year.
- 5.6.4 In terms of complaint outcomes, members will note from Table C that 27 complaints were made prematurely, out of time or had an alternative right of appeal; 2 were out of jurisdiction, 15 were closed after initial consideration, 4 were resolved by early resolution and 2 were upheld in whole or in part. Where a complaint is categorised

as premature, this means the complainant has not exhausted the Council's complaints policy. Practically it is not possible to prevent these referrals to the Ombudsman however the Council does ensure that the Council's Complaints Policy is available via the Council's web site and hard copy complaints booklet readily available to the public.

5.7 **Code of Conduct Complaints**

Members will note that in respect of Caerphilly County Borough Councillors 10 complaints were closed after initial consideration. There were no complaints received in respect of Town and Community Councils.

5.8 **Conclusion**

5.8.1 Members will note the Ombudsman has outlined the following actions for Local Authorities to take:

- Present the Annual Letter to the Cabinet to assist members in their scrutiny of the Council's performance.
- Engage with the Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters by 30 November

5.8.2 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet this Council's reporting process is to the Standards Committee and full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales. In relation to the Standards Committee, due to the remote way in which meetings are currently conducted officers will work with the members of the Standards Committee over the coming months to equip them with the tools they need to participate in a remote meeting which will enable the Committee to consider this matter.

5.8.3 Members will note that the Ombudsman has been working with Local Authorities in its Complaints Standards role. Complaints officers from all authorities have engaged with the Ombudsman's office and for the first time in 2019/20 officers submitted quarterly data about the complaints handled which reveals more about the complaints landscape in Wales. Complaints Officers within Caerphilly have also engaged with the Complaints Standards Officers to access training for staff which commenced in October and will continue in February.

5.8.4 The Ombudsman will be advised of the presentation of this report to Council and the outcome.

6. **ASSUMPTIONS**

6.1 No assumptions are necessary within this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The function of overseeing complaints received and investigated by the Ombudsman contributes to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 This report contributes to the Well-being Goals as set out in paragraph 7 above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the overseeing of the complaints received and investigated by the Ombudsman enables departments to focus on areas of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in future.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no equalities implications associated with this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications associated with this report.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications associated with this report

12. CONSULTATIONS

- 12.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

13. STATUTORY POWER

- 13.1 Public Services Ombudsman (Wales) Act 2019

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Councillor Colin Mann Leader of Plaid Cymru
Councillor Graham Simmonds Leader of the Independent Group
Councillor Colin Gordon Cabinet Member for Corporate Services

Appendices:

Appendix 1 Public Services Ombudsman Annual Letter 2019/2020.